

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
APRIL 13, 2006**

Call to order – At 5:01 P.M. Chairperson Erwin Ohannesian called the meeting of the Kingsburg Planning Commission to order.

Commissioners present – Commissioner Henslee, Commissioner Woollard, Commissioner Parlier, Commissioner Polyack, Commissioner Peelgren, Commissioner Martin, and Chairperson Erwin Ohannesian.

Commissioners Absent – None

Staff Present – Planning and Development Director Terry Schmal, and Planning Secretary Mary Colby.

Others Present – Don Workman, Vesta Trautman, Councilmember Blayney, and George Alves,

Approval of Minutes – Commissioner Parlier made a motion, seconded by Commissioner Peelgren, to approve the minutes of the February 16, 2006 meeting as mailed. The motion carried by unanimous aye voice.

Public Comments – There were no citizens present who wished to comment at this time.

PUBLIC HEARING – RZ-2005-07 Amendment to Zoning Ordinance Text adding a Highway Beautification Overlay District Section. Planning and Development Director Terry Schmal gave a summary of his staff report and gave a brief explanation of the intent of this ordinance along with some background information. He stated that at the first hearing of the Highway Beautification Overlay ordinance there was some confusion regarding the impacts to homeowners. He stated that there was an informational meeting held on March 9, 2006 which cleared up some of the issues of the location that this ordinance will affect. Planning and Development Director Terry Schmal stated that this ordinance deals with the private property side of the line and our role as a city is to encourage citizens to take care of the areas they have control of. He stated that if we take the first step to beautify this area maybe CalTrans will follow suit and clean up their area.

There was discussion with Vesta Trautman, a citizen who lives in this proposed zoning district, regarding this ordinance and the permanence of homes in this district. Planning and Development Director Terry Schmal assured the citizen that this ordinance has no bearing on the decisions that CalTrans makes regarding the widening of Highway 99. This ordinance has to do with beautifying the area on either side of Highway 99 outside of the State right of way.

Commissioner Polyack stated that there is a mention of Single Family Homes in the ordinance. Planning and Development Director Terry Schmal stated that this has to do

with new developments along the freeway, when this occurs the requirement in this ordinance will come into effect.

Ms. Trautman asked to verify one more time that this ordinance will not cause any current homeowners to have to move or lose their homes. Planning and Development Director Terry Schmal stated that this is not the case.

At 5:15 P.M. Commissioner Ohannesian opened the Public Hearing

Lincoln and Lewis, Sara Niles at 1407 Lincoln, asked about the effects of this ordinance. Planning and Development Director Terry Schmal stated that the existing zoning does not change but is an overlay zone which affects trees and landscaping.

Michael Mikellian, Selma Flea Market, stated that there are about six spots in the fence around the Swap Meet that people have driven through. His questions is once we plant trees will there be any liability if someone runs into a tree and dies. Commissioner Polyack feels that the City might have some liability but that would be a question better answered by the City Attorney. Mr. Mikellian asked that in the future if this becomes a shopping mall, could the barrier be eliminated if the development is very neat and pleasing to the eye. Planning and Development Director Terry Schmal stated that some flexibility has been included in this ordinance, by grouping trees or being creative with design; visibility could still be attained from the highway.

Vesta Trautman, 1370 Rayser Street, asked the Planning Director if there would be any problems with losing her home or having to move. Planning and Development Director Terry Schmal stated that this has to do with beautifying the area, if it is not within 20 feet of the right of way this will have no effect. When a new development or major redevelopment occurs this is when the ordinance will become effective.

Don Workman, 2381 Harold Street, Kingsburg, feels that this is a good thing, and wants to know how this will be enforced. If I am driving down the freeway and see things in someone's back yard who will take care of this CalTrans or the City? Planning and Development Director Terry Schmal stated that it will be a long slow process. It must go through Planning Commission and City Council before any conditions can be imposed. If no development is being proposed and not within the City there is nothing the City can do.

There was discussion regarding areas that are unsightly and are "Grandfathered" in. Planning and Development Director Terry Schmal stated that the current ordinance does not address this.

Commissioner Polyack stated that he would like to see boom trucks included in this ordinance, also a uniform theme and treatment to the whole corridor.

There were no other citizens present who wished to comment and at 5:59 P.M. the Public Hearing was closed.

Commissioner Parlier made a motion, seconded by Commissioner Polyack, to recommend to the City Council approval of RZ-2005-07 which adds a Highway Beautification Overlay District to the text of the Kingsburg Zoning Ordinance as Section 1203, and that Article 12, "Combining Districts," be retitled "Combining and Overlay Districts." And that the Initial Study and Environmental Checklist are adequate to satisfy the requirements of the California Environmental Quality Act, and that a Negative Declaration is the appropriate determination of environmental impact. Address the underlying zoning regarding boom trucks; consider a uniform theme and treatment to the entire corridor, and the types of trees used in landscaping. Encourage CalTrans to set as a high priority their enhancement funds for this section. The motion carried by unanimous aye voice vote.

PUBLIC HEARING - RZ-2006-01 Amendment to Zoning Ordinance Text to change zoning in the Kingsburg Business Park from Central Commercial to Central Commercial - Mixed Use. Planning and Development Director Terry Schmal gave a brief summary of his staff report. He stated that this is a clean up item; about a year ago the ordinance was amended to change the zoning in business parks from highway commercial to highway commercial with a mixed used overlay.

At 6:04 P.M. the Public Hearing was opened. There were no citizens present who wished to comment and at 6:05 P.M. the Public Hearing was closed.

The Commissioners discussed briefly the procedure for processing an application in the Mixed Use Zone. Planning and Development Director Terry Schmal stated that applicants are encouraged to go before Planning Commission first for a conceptual review before going to City Council.

Commissioner Polyack made a motion, seconded by Commissioner Parlier, to recommendation to City Council approval of RZ-2006-01, changing the current CH (Highway Commercial Zoning) to CH-MXU (Highway Commercial-Mixed Use) at the Kingsburg Park, using previously approved environmental documentation prepared for the amendment to Zoning Ordinance Text RZ-2005-02. The motion carried by unanimous aye voice vote.

SPR-2006-03 for 2300 Square Foot Addition to the Hi-Life Prime Steak House, applicant Vince Antonino. - Planning and Development Director Terry Schmal gave a brief summary of his staff report. He stated that there is quite a history of discussion regarding this piece of property with a lot of it due to the vacation of 10th Avenue which runs between Simpson and the frontage road. The previous city engineer started the proceedings to abandon this road, but stopped when no site plan was presented to show the proposed improvements to the site. The applicants are proposing a 2300 square foot addition to the existing restaurant. Proponents from the Hi-Life and Kady's Restaurant have agreed to adjust the property line between the two restaurants.

The Commissioners discussed the possible outcomes of the property split and concerns the Police Department has with walls around the patio area. Also the Fire Department requires buildings over 5000 square feet to have sprinklers installed in the building.

Commissioner Parlier made a motion, seconded by Commissioner Woollard, to approve in concept this proposal and upon vacation of 10th Avenue recommend that the applicant bring back the Site Plan for further consideration. The motion carried by unanimous aye voice vote.

Report from Commissioners Attending the 2006 Planners Institute

Commissioner Woollard – Attended a lecture on Form Based Code, he stated that they weren't quite as forthcoming with specific information as received last year. In portions of California Form Based Code is already being implemented.

Also attended a discussion on Eminent Domain, he stated that they were very specific in their methodology, and designated buildings over 20 years old as blighted.

Commissioner Ohannesian - This was the weakest institute attended. The meeting rooms were small and not very organized.

Attended a lecture on Community Amenities which looked at four things: history, who we are, what we build and ties to the community.

Natural Environment and History, City Finances which was very interesting.

Future Meetings

Joint Study Session with the City Council on Wednesday April 19 for discussion of updates to the Growth Management System.

Discussion Regarding Postponement of the June 8, 2006 Meeting Due To a Conflict with Kingsburg High School Graduation. It was the consensus of the Commission to move the June meeting to June 15th due to a conflict with the High School Graduation.

Future Items.

Adjourn – At 7:03 P.M. the Kingsburg Planning Commission adjourned to the next regular meeting.

Submitted by

Mary Colby, Planning Secretary